



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,110	07/12/2005	Toni Paila	4208-4233	7098
27123	7590	05/19/2009		
MORGAN & FINNEGAN Transition Team			EXAMINER	
C/O Locke Lord Bissell & Liddell			ZEWDU, MELESS NMN	
3 WORLD FINANCIAL CENTER				
NEW YORK, NY 10281-2101			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			05/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Shopkins@Lockelord.com

OWalker@Lockelord.com

Office Action Summary

Application No.

10/521,110

Applicant(s)

PAILA ET AL.

Examiner

Meless N. Zawdu

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-19 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-19, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date. ____
- 6) ☐ Notice of Informal Patent Application.
- 7) ☐ Other: ____

DETAILED ACTION

Response to Remarks

1. This action is in response to the communication filed on 1/30/09.
2. Claims 5 and 20-22 have been canceled.
3. Claims 1-4, 6-19 and 230-25 are pending in this action.

The indicated allowability of claims 1, 7, 9, 13 and 23-25 is withdrawn in view of the newly discovered reference(s) (see below). Rejections based on the newly cited reference(s) follow.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features --- means for indicating a category, means for indicating quantity and hierarchical structure, as recited in claims 23-25 must be shown (indicated) or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 9, 13 and 19 are objected to because of the following informalities: in claim 9 on lines 6 and 9; in claim 13, on lines 5 and 9; and in claim 19, on lines 7 and 11, the word "data" should be qualified with the word "indicator", so as to read --- data indicator. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 6 and 9-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims do not qualify as a

statutory process under 35 USC § 101, as stipulated in the May 15 Memorandum by the Deputy Commissioner for Patent Examination Policy, John J. Love. According to the memorandum, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. The above process claims qualify neither of these criteria.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (APA) in view of Sarkkinen et al. (Sarkkinen) (US 6,839,565 B2).

As per claim 1: the APA discloses a method comprising:

broadcasting or multicasting, one or more announcements on a second level of a hierarchical structure, the one or more announcements relating to a category of an information service (see page 1, line 20-page 2, line 2; page 2, lines 5-19); and

broadcasting or multicasting on a first level of the hierarchical structure (see page 2, lines 4-5):

data indicating a category to which the one or more announcements transmitted

at the second level relate (see page 2, line 1—17) ; and

constituting the one or more second level announcements, wherein the second level is lower than the first level (see page 2, lines 11-25). But, the APA does not explicitly teach about --- data indicating a quantity of announcement information, as claimed. However, in the same field of endeavor, Sarkkinen teaches about multicast service announcement wherein the announcement includes a list that contains a number of multicast service announcement identifications (see fig. 3; col. 6, lines 38-57, particularly lines 38-46; col. 8, lines 13-41; col. 9, lines 8-17; claims 13, 15 and 16). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the APA with the teaching of Sarkkinen for the advantage of sending a multicast services announcements, from a first network node to a second network node, including service announcement identification (see col. 3, lines 3-19).

As per claim 2: the APA teaches method, in which the second level is immediately below the second first level (see page 2, lines 4-25).

As per claim 3: the APA teaches a method, further comprising broadcasting or multicasting at the first level information identifying a location of access of the first second level announcement information (see page 2, lines 4-25).

As per claim 6: the APA teaches about a method, wherein the broadcast or multicast is an Internet Protocol datacast transmission using time-slicing (see page 1, lines 9-32).

As per claim 7: the features of claim 7 are similar to the features of claim 1, except claim 7 is directed to an apparatus intended to perform the steps of method claim 1.

Hence, since the steps of claim 1 are obviated by the prior art of record and the

apparatus of claim 7 is required by the method steps of claim 7, claim 7 is rejected on the same ground and motivation as claim 1.

As per claim 8: the APA teaches about an apparatus which the second level is immediately below the first level (see page 2, lines 4-25).

As per claim 23: the features of claim 23 are similar to the features of claim 1. thus, claim 23 is rejected on the same ground and motivation as claim 1.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to the claims above and further in view of Shepherd et al. (Shepherd) (US 7,281,058 B1).

As per claim 4: but, the references applied to the claims above do not teach about a method, further comprising broadcasting or multicasting at the first level information identifying a timeout value, as claimed. However, in the same field of endeavor Shepherd teaches about delivering and receiving multicast content across a unicast network, wherein delivery information includes a time-out value (see col. 7, lines 48-55; col. 8, lines 52-67; col. 14, lines 34-47). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Shepherd for the advantage of controlling the duration for which a multicast enabled router (or node) will deliver multicast packets to a

Allowable Subject Matter

Claims 9-19 and 24-25 are allowed.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne D can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

/Meless N Zewdu/
Primary Examiner, Art Unit 2617
5/18/2009